UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,150	11/26/2003	Yoshifumi Ishihata	K6510.0064/P064	5542

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EXAMINER
PIERCE, DAMON JOSEPH

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/721,150*	ISHIHATA ET AL.
	Examiner	**Art Unit**	
	DAMON PIERCE	3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 March 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

  b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b) ☐ They raise the issue of new matter (see NOTE below);

  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: *21-34*.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

  /Ronald Laneau/
  Supervisory Patent Examiner, Art Unit 3714

Continuation of 11. does NOT place the application in condition for allowance because: The claims are deemed unpatentable over reference US Pat. #6,217,446 to Sanbongi et. al as described below:

In Reference to Claims 21, 22, 31, and 34
Sanbongi discloses an electronic device (col. 1, 7, "gaming machines"), and a computer readable storage medium (col. 4, 55, "information storage medium") storing a control program (col. 4, 56, "program") for an action game in which a player character is moved in a game space in response to an operation of a game player and in which one character of a plurality of characters moving in the game space is selected to be an attack target, in response to an operation of the game player (col. 3, 33-52, a player moves through a virtual space attacking different game characters),
the control program, when executed by a computer, causes said computer to (col. 4, 55-59, "program" is executed on "game device"):
   set and a means for/of setting a first distance (Fig. 7, "attacking zone") and angle (Fig. 7, shows E1 at 1st distance and angle) and a second distance (Fig. 7, "waiting zone") and angle which is above the first distance and angle as a distance of said one character (Fig. 7, shows E3 which is a different character and at a 2nd distance and angle) from a predetermined base point and line (col. 3, 3-10, "gaze point" sets the viewpoint which is a player base point and base line of vision), whose origin is positioned at said player character and which is extended in the direction where said player character is looking forward (see Fig. 7, where the camera represents the player character, and all game play is based around the vision of the player character) to memorize the first distance and the second distance in a memory (col. 3, 3-10, "pictured processing device", controls player vision and characters distance displayed relative to each other, all which is on the "ROM" and continually stored on the "RAM" of the game device, see col. 5, 66-67 and col. 6, 1-7);
memorize and a means for memorizing respective distances and angles of said plurality of characters (Fig. 7, E1, E2, E3, etc are stored at different distances and angles) from said predetermined base point and line (Fig. 7, game player representative at bottom of screen) before a predetermined time from present time (col. 3, 24-28, discloses a target position in a predetermined period of time) in said memory (col. 6, 3-7, discloses the "RAM" which continuously stores and buffer game data, including data relative to the "gaze point", see col. 3, 3-18, such as distances and angles of game characters relative to player as the game progresses, for example, in Fig. 7, the distances and angles of enemies characters [E1, E2, E3, etc] relative to game character are constantly stored in the "RAM");
judge and a selectable candidate object judging means for judging each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory (col. 6, 20-30, the game programs stored on the "ROM 102" inherently determines which characters are selectable, in particular, the "shape data ROM 111" will determine which characters are "enemies" are selectable character objects) and whether its distance and angle before said predetermined time is below said first distance and angle and additionally its distance and angle at said present time is below said second distance and angle, or whether its distance and angle at said present time is below said first distance and angle (please see, col. 9, 47-51, and 56-67, and col. 10, 1-3, which discloses enemy characters, within the "attacking zone", which is a predetermined distance and angle that enemy characters must be beyond in order to attack player character as defined by parameters of the game on ROM; col. 6, 20-30, the game programs stored on the "ROM 102", in particular, the "landscape data from the ROM 109" will determine the placement of "enemy" characters and based on their location determine if they are objects that can attack the player, i.e., in Fig. 7, all of the enemy characters' locations are based on the game memory, which decides whether or not enemy characters are in attacking zone at the present time);
decide and a selection order deciding means for deciding an order of selecting those of said judged plurality of selectable candidate objects, which have been judged by the selectable candidate object judging means, based upon those distances and angles at said present time of said plurality of selectable candidate objects (Fig. 7, when "enemy characters" are within an angle of 180 degrees of player and in "attacking zone" they are subject to attack player character. The "ROM" game program decides the order of enemy characters labeled as E1, E2, E3 and so on, and the order is based upon which zone the enemy character is located at the present time, see col. 9, 36-38 and col. 10, 5-8, discloses the number and movement of enemy characters are preprogrammed); and
select and an attack target changing means for/of selecting, based on the decided selection order, one of said plurality of characters as said attack target and sequentially changing said attack target in response to an attack target changing operation by the game player (Fig. 6, col. 2, 1-16, discloses a storing unit for a player's movement and viewpoints, where a player can change attack target by moving player character; col. 6, 20-30, the game programs stored on the "ROM 102", selects and changes "enemy characters" as player progresses through game, because the enemy seen as the attack target changes. Also, see col. 4, 23-25, discloses an attack target will change once considered dead due to the actions of the game player).

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